

UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW HAMPSHIRE

Melissa Brantley)

)

Plaintiff,)

)

v.)

Civ. No. _____

Jury Trial Demanded

United States of America)

)

Defendant.)

)

COMPLAINT

INTRODUCTION

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80, as hereinafter more fully appears.

PARTIES

2. Plaintiff, Melissa Brantley, resides at 461 Rimmon Street, Apt. 3F, Manchester, New Hampshire 03102, within the jurisdiction of this Court.

3. The defendant, United States of America, (hereinafter “United States”) operates a camping facility known as Great Pond Outdoor Adventure Center at 9 Dow Pines Road in Great Pond, Maine.

4. The United States has denied responsibility for the alleged negligence of the defendant.

JURISDICTION AND VENUE

5. This Court is vested with jurisdiction over the United States and defendant

pursuant to Section 1346(b) of Title 28 of the United States Code.

6. Venue is proper in the United States District Court for the District of New Hampshire pursuant to Section 1391(e) (2) of Title 28 of the United States Code, and an amount in controversy exceeding \$75,000.

COUNT I
(Facts)

7. Plaintiff repeats and re-alleges paragraphs 1- 6 as though fully set forth herein.

8. On or about September 6, 2018, the United States maintained and was in possession and control of premises known as Great Pond Outdoor Adventure Center at Great Pond, Maine.

9. On that date, the plaintiff was lawfully upon the premises of the United States located at Great Pond, Maine.

10. The plaintiff, Melissa Brantley, fell and injured herself on September 6, 2018 at the Great Pond property which was owned and maintained by the United States.

11. The premises owned by the defendant were not properly maintained and the plaintiff was injured because of the negligence and the carelessness of the defendant and defective condition of the defendant's premises.

12. The plaintiff suffered an injury to her left ankle and other injuries as a result of the defendant's negligence.

13. The plaintiff was visiting the defendant's premises on September 6, 2018 with her mother, who was an employee of the defendant at the time of the accident.

14. The accident happened at a location known as the Great Pond Adventure Center, which is owned, maintained and managed by the defendant for recreation activities for Government employees and their families.

15. The plaintiff was injured when she stepped on a defective step outside one of the cabins located at Great Pond Adventure Center.

16. On that date, the defendant, through its employees acting within the scope of their employment, neglected the condition of the premises and permitted a dangerous and defective condition to exist. Although defendant knew or should have known of the dangerous condition of the steps for entering and exiting the cabin, and in the exercise of ordinary care would have had a reasonable opportunity to remove such dangerous condition before the accident herein described occurred, it negligently failed to remove same and negligently failed to give plaintiff or other persons any warning thereof.

17. On that date while plaintiff was lawfully on the premises and walking in a careful manner, she stepped on a defective step outside one of the cabins.

18. As a result, plaintiff fell down, injured her left ankle and was otherwise injured, was prevented from transacting her business, suffered great pain of body and mind, incurred expenses for medical attention and hospitalization in the sum of \$21,458.60 dollars, and suffered lost wages in the amount of \$19,577.05, for total special damages of \$41,035.65.

19. If the defendant were a private person, it would be liable to the plaintiff in accordance with the law of Maine and New Hampshire.

ALLEGATION OF EXHAUSTION OF ADMINISTRATIVE REMEDIES

20. WHEREFORE plaintiff demands judgment against defendant in the sum of Three Hundred Thousand (\$300,000.00) dollars and costs.

DEMAND FOR JURY TRIAL

21. Plaintiff herein demands a jury trial on all issues so triable.

Respectfully submitted,
MELISSA BRANTLEY

By Counsel,
MCDOWELL & MORRISSETTE, P.A.

Dated: February 16, 2021

By /s/ Joseph F. McDowell, III
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